

REMARKS

The foregoing amendment and the following arguments are provided generally to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

Claims 1-28 were rejected. Claims 1, 8, 11, 18 and 21 have been amended. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. No new matter has been added.

Rejections Under 35 U.S.C. §112

Claims 27 and 28 were rejected under 35. U.S.C. §112 as failing to comply with the written description requirement. Claims 27-28 have been canceled.

Double Patenting

Claims 1, 3-6, 9, 11, 13-16, 19 and 21-26 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 and 18-28 of U.S. Patent No. 6,636,590. A terminal disclaimer was submitted on January 15, 2008 to overcome the obvious-type double patenting rejection.

Rejections Under 35 U.S.C. §103

The Examiner has rejected claims independent claims 1, 11, and 21 under 35 U.S.C. §103(a) as being unpatentable over Rothschild et al., U.S. Patent Publication No. 2002/0003867 (hereinafter "Rothschild") in view of Alpdemir, U.S. Patent No. 6,658,389 (hereinafter "Alpdemir"). The Examiner has also rejected claims independent claims 1, 11, and 21 under 35 U.S.C. §103(a) as being unpatentable over Levin et al., U.S. Patent No. 6,173,279 (hereinafter "Levin") in view of Alpdemir.

Applicant's pending independent claims include limitations that are not disclosed or suggested by Rothschild, Alpdemir or Levin, or by any combination thereof. More specifically, the Examiner has stated that both Rothschild and Levin fail to clearly disclose detecting completion of the live conversation between the user and the service provider, and prompting the user for a quality of service rating in response to detecting completion of the live conversation.

Rather, the Examiner cites Alpdemir as teaching to detect completion of the live conversation between the user and the service provider and prompting the user for a quality of service rating in response to detecting completion of the live conversation.

However, Applicant's independent claims specifically include the limitations of performing the claimed steps of detecting completion of the live conversation between the user and the service provider, and prompting the user for a quality of service rating *while the user remains connected to the audio connection*.

In the case of Alpdemir, however, the consumer user must call back *later* in a separate call to provide feedback. For example, Alpdemir shows

“a consumer user having been referred to a restaurant using inventive system can later call in using a toll-free or free local phone number and provide feedback, such as in the form of a rating, relative to their experience.” (Col. 11, lines 64-67, Alpdemir).

Therefore, Applicant's independent claims 1, 11, and 21 clearly include limitations that are not disclosed or suggested by Alpdemir, and are not disclosed in Rothschild or Levin, as noted by the Examiner. As a result, Applicant submits that independent claims 1, 11, and 21 are patentable.

The remaining claims depend from one of the independent claims and therefore include the distinguishing limitations as discussed above. As a result, Applicant submits that the remaining dependent claims are also patentable.

Interview Summary

During an interview with the examiner on December 14, 2007, Applicant's representative had the impression that an agreement was reached in principle that an amendment to the claims to indicate the claimed operations were performed while the user remains on the audio connection, would overcome the present rejections of the current cited prior art. Nevertheless, Applicant's representative understood the Examiner would perform an additional search before allowing the claims.

CONCLUSION

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

Respectfully submitted,

Date: April 10, 2008

/John P. Ward/

John P. Ward
Reg. No. 40,216

Customer Number 64494
GREENBERG TRAURIG, LLP
(650) 328-8500 Telephone
(650) 328-8508 Facsimile
wardj@gtlaw.com